

In re Appln. of: Mary Swaab
Application No.: 09/363,129

IN THE CLAIMS:

Replace the indicated claims with:

C¹

1. (First Amended) A kit for custom blending lip coloring product to a desired shade, texture, and content, the kit comprising:

- a plurality of containers containing pigments adapted to be blended together to create a particular shade of lip coloring product;
- at least one container containing at least one base adapted to be blended with selected pigments to provide a particular texture and consistency for lip coloring product;
- means for measuring pre-determined quantities of selected pigments and the at least one base, the quantities of the pigments and the at least one base adapted to be heated to form a desired blend of lip coloring product in liquefied form; and
- a mold adapted to receive the desired blend in liquefied form, the mold adapted to extract heat from the liquefied desired blend until the desired blend hardens into lip coloring product; and

wherein the plurality of containers; the measuring means and the mold are packaged together in the kit for resale at a point of purchase, with the at least one base and the pigments stored separately in the containers.

C²

7. (First Amended) The kit of Claim 1 wherein the mold includes a clam shell type housing having first and second mating sides, the sides being hingedly attached and adapted to be folded together to form at least one lipstick cavity, the lipstick cavity adapted to receive the liquefied desired blend for forming a lipstick.

8. (First Amended) The kit of Claim 7 wherein the clam shell mold first and second sides each include top portions and bottom portions, the first side top portion being hinged to the second side top portion, the first side bottom portion being hinged to the second side bottom portion, the top portions adapted to be removed after the desired blend hardens to facilitate attachment of an extendible and retractable lipstick case to the lipstick.

9. (First Amended) The kit of Claim 8 wherein the mold includes clamping means to retain the mold in a closed position during hardening of the lipstick.

C2
Sub D2
10. (First Amended) The kit of Claim 8 wherein the mold top and bottom clam shells include apertures adapted to align and receive dowels therein to ensure proper alignment of the mold top and bottom.

11. (First Amended) The kit of claim 7 further comprising at least one extendible lipstick case adapted to house the hardened lipstick.

C3
Sub D3
25. (First Amended) A kit for custom blending lip coloring product to a desired shade, texture, and content, the kit comprising:
a plurality pigments adapted to be blended together to create a particular shade of lip coloring product;
at least one base adapted to be blended with selected pigments to provide a particular texture and consistency for lip coloring product;
at least one measurer adapted to measure quantities of selected pigments, the quantities of selected pigments adapted to be mixed with the at least one base;
a mold adapted to receive the base and the quantities of selected pigments; and
wherein said plurality of pigments are stored separately from the at least one base and packaged together along with the at least one measurer and the mold in the kit for resale at a point of purchase.

Delete the following claims:

Claim 30.

Add the following claims:

C4
Sub D4
34. (New) The kit of claim 1 wherein the at least one base is neutral and not shaded to a particular hue.

¹⁴/~~35~~. (New) The kit of claim 1 wherein the measuring means comprises a measuring sheet having a plurality of graduated segments, said pigments being measured in the graduated segments of the measuring sheet.

¹⁵/~~36~~. (New) The kit of claim ¹⁴/~~35~~ further comprising a mixing tool adapted to blend pigments measured in the graduated segments.

¹⁶/~~37~~. (New) The kit of claim ¹⁵/~~36~~ further comprising a transparent blending sheet adapted to cover the measuring sheet.

C4
SubD5
38. (New) The kit of claim 1 wherein the pigments are contained separately from the pigments in a readily mixable state, such that the pigments are pourable and mixable with other pigments without heating.

39. (New) The kit of Claim 25 wherein the at least one base is neutral and not shaded to a particular hue.

²⁶/~~40~~. (New) The kit of Claim ¹⁸/~~25~~ wherein the at least one measurer comprises a measuring sheet having a plurality of graduated segments, said pigments being measured in the graduated segments of the measuring sheet.

²⁷/~~41~~. (New) The kit of claim ²⁶/~~40~~ further comprising a mixing tool adapted to blend pigments measured in the graduated segments.

²⁸/~~42~~. (New) The kit of claim ²⁷/~~41~~ further comprising a transparent blending sheet adapted to cover the measuring sheet.

SubD6
43. (New) The kit of claim 25 wherein the pigments are stored separately from the pigments in a readily mixable state, such that the pigments are pourable and mixable with other pigments without heating.